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John P. Kaite
Lawrence S. Koplow*
Meaghan K. Kramer

*Of Counsel



Chase Tower ■ 201 North Central Avenue ■ Suite 3300
Phoenix, Arizona 85004-1052 ■ (602) 254-9900 ■ fax (602) 254-8670

Tamelyn E. Lewis
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VIA HAND DELIVERY

December 9, 2013

Our File No.: 25052-0001

Dr. Rufus Glasper
Chancellor, The Maricopa Community Colleges
2411 W. 14th Street
Tempe, AZ 85281

Re: *Maricopa County Community College District v. Dr. Cleopatria Martinez*

Dear Dr. Glasper:

As legal counsel to the Hearing Committee, we write to provide the Governing Board and Chancellor of the Maricopa County Community College District the Hearing Committee's results and Recommendation in the Dr. Cleopatria Martinez personnel matter. Enclosed please find the Hearing Committee's Findings of Fact, Conclusions of Law, and Recommendation. The Hearing Committee has recommended that the Governing Board deny Phoenix College President Anna Solley's request to terminate Dr. Martinez from her MCCCCD employment.

The Hearing Committee, after reviewing the record and conducting a hearing (and after careful deliberation) determined that Phoenix College did not carry its burden of proof relating to the issues of copyright violations and the cash handling policy violations. The Hearing Committee has found that there is evidence of Dr. Martinez' insubordination. However, the Hearing Committee does not believe termination of employment is appropriate.

We recommend that Chancellor Glasper place the Hearing Committee's Findings of Fact, Conclusions of Law and Recommendation, the entire record, exhibits and hearing transcript in a secure room for the Governing Board's and his review. We strongly recommend that the Governing Board make itself intimately familiar with all that the Hearing Committee considered in making its Recommendation.



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In our opinion (as legal counsel to the Committee), the Hearing Committee determined that the District's failure to carry its burden of proving the alleged copyright policy and alleged cash handling policy violations overshadowed the findings of insubordination. Therefore, the Committee deemed that the punishment of termination was disproportionate to Dr. Martinez' misconduct. We stand ready to discuss the Hearing Committee's Findings, Conclusions & Recommendation with the MCCCCD Governing Board if it so chooses.

Very truly yours,



Ernest Calderón

Enclosure: Findings of Fact, Conclusions of Law and Recommendation
Full Record
Hearing Transcript
All Exhibits

Cc: Dr. Keith Krudup, Hearing Committee Chairman
Dr. Nora Reyes, Hearing Committee Member
Dr. Carlos Caire, Hearing Committee Member
President Anna Solley, c/o Pavneet Uppal, Esq.
Dr. Cleopatria Martinez, c/o Stephen Montoya, Esq.